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Attorneys for Defendant

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

DAVID HO, on behalf of himself and all  
 others similarly situated and on behalf of the  
 general public and DOES #1-20,

Plaintiffs,

v.

ERNST & YOUNG, LLP,

Defendants.

Case No. C 05 04867 (JF) (consolidated for  
 class certification purposes with Case Nos. C-  
 08-4988-JF and C-08-2853-JF)

**STIPULATION AND ~~PROPOSED~~-  
 ORDER CONTINUING CASE  
 MANAGEMENT CONFERENCE**

Hon. Jeremy Fogel

CMC Date: Friday, September 3, 2010

WHEREAS the Court has set September 3, 2010, for a Further Case Management Conference;

WHEREAS the parties are currently briefing the class certification motion served on Defendant on August 20, 2010, and filed under seal by Plaintiffs on August 23, 2010.

WHEREAS the hearing on Plaintiffs' Motion For Class Certification Pursuant To Rule 23 is set for December 17, 2010;

THEREFORE IT IS HEREBY STIPULATED by and between the parties hereto through their respective undersigned counsel that:

1. The Further Case Management Conference shall be continued to December 17, 2010, immediately after the hearing on Plaintiffs' Motion For Class Certification Pursuant To Rule 23.

Dated: September 1, 2010

/s/  
\_\_\_\_\_  
Ross L. Libenson  
HOFFMAN & LAZEAR  
Attorney for Plaintiffs

Dated: September 1, 2010

/s/  
\_\_\_\_\_  
GREGORY W. KNOPP (SBN237615)  
AKIN GUMP STRAUSS HAUSER &  
FELD LLP  
Attorney for Defendant

*(This stipulation has been approved by Gregory W. Knopp)*

**ORDER**

IT IS SO ORDERED.

Dated: Sept. 2, 2010

  
\_\_\_\_\_  
United States District Judge

## PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF \_\_\_\_\_

I am employed in the County of \_\_\_\_\_, State of California. I am over the age of 18 and not a party to the within action; my business address is: \_\_\_\_\_  
 as: \_\_\_\_\_. On \_\_\_\_\_, I served the foregoing document(s) described below, using the following means:

## SEE ATTACHED SERVICE LIST

☐ BY PERSONAL SERVICE I delivered such envelope(s) by hand to the offices of the addressee(s).

☐ BY UNITED STATES MAIL I enclosed the documents in a sealed envelope or package addressed to the respective address(es) of the party(ies) stated above and placed the envelope(s) for collection and mailing, following our ordinary business practices. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid at \_\_\_\_\_, California.

☐ BY OVERNIGHT DELIVERY I enclosed the document(s) in an envelope or package provided by an overnight delivery carrier and addressed to the respective address(es) of the party(ies) stated above. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.

☐ BY MESSENGER SERVICE I served the documents by placing them in an envelope or package addressed to the respective address(es) of the party(ies) stated above and providing them to a professional messenger service for service.

☐ BY FAX Based on an agreement of the parties to accept service by fax transmission, I faxed the documents to the respective fax number(s) of the party(ies) as stated above. No error was reported by the fax machine that I used. A copy of the record of the fax transmission(s), which I printed out, is attached.

☐ BY ELECTRONIC MAIL OR ELECTRONIC TRANSMISSION Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the document(s) to be sent to the respective e-mail address(es) of the party(ies) as stated above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☐ (STATE) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

☐ (FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on \_\_\_\_\_ at \_\_\_\_\_, California.

\_\_\_\_\_  
 [Print Name of Person Executing Proof]

\_\_\_\_\_  
 [Signature]